

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BENJAMIN MICHAEL MERRYMAN, AMY
WHITAKER MERRYMAN TRUST, B
MERRYMAN AND A MERRYMAN 4TH
GENERATION REMAINDER TRUST AND
CHESTER COUNTY EMPLOYEES
RETIREMENT FUND, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

CIVIL ACTION NO. 1:15-cv-09188-VEC

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that upon the Stipulation and Agreement of Settlement dated June 12, 2018 (the "Stipulation") submitted herewith; the Settling Parties' agreed-upon proposed Order Preliminarily Approving Settlement and Providing for Notice and its exhibits attached hereto; the accompanying memorandum of law; and all other papers and proceedings herein, Plaintiffs Benjamin Michael Merryman, Amy Whitaker Merryman Trust, B Merryman and A Merryman 4th Generation Remainder Trust and Chester County Employees Retirement Fund (collectively, "Plaintiffs") hereby move this Court, under Rule 23 of the Federal Rules of Civil Procedure, for entry of an order: (i) preliminarily approving the proposed Settlement of the Litigation; (ii) certifying the Settlement Class and appointing Plaintiffs as class representatives and Lead Counsel as class counsel, for purposes of the Settlement only; (iii) approving the

manner and form of notice of the Settlement to Settlement Class Members; and (iv) scheduling a date and time for the Final Approval Hearing to consider final approval of the Settlement and related matters.¹ Pursuant to the terms of the Stipulation, this motion is unopposed by the Defendant.

Dated: June 12, 2018

Respectfully Submitted,

**KESSLER TOPAZ MELTZER
& CHECK, LLP**

s/Sharan Nirmul
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Proposed Settlement Class*

¹ All capitalized terms used herein that are not otherwise defined herein have the meanings ascribed to them in the Stipulation.